

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ADVANCED ANALYTICS, INC.,

*Plaintiff-Counter-Defendant
Appellant,*

v.

**CITIGROUP GLOBAL MARKETS, INC,
ET AL.,**

*Defendant-Counter-Claimants-
Appellees.*

**The AMERICAN PROSPECT, Brandon
Smith,**

Intervenors

No. 04 Civ. 3531(LTS)(SLC)

**DECLARATION OF PETER J. TOREN IN SUPPORT OF
PLAINTIFF’S MOTION PURSUANT TO
FEDERAL RULES OF APPELLATE PROCEDURE 10(b)(c)**

I, Peter J. Toren, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member of the bar of this Court and a shareholder of the Law Office of Peter J. Toren, counsel for Advanced Analytics, Inc. (“Plaintiff”, "Appellant") in the above-captioned matter. I respectfully submit this declaration in support of PLAINTIFF’S MOTION UNDER FEDERAL RULES OF APPELLATE PROCEDURE 10(b)(c) (“Plaintiff’s Motion”).

Attached hereto as Exhibits 1-11 are the true and correct copies of the following documents, which are referenced in Plaintiff's Motion. Docket citations to "[D.I.]" refer to the proceedings, *Advanced Analytics, Inc. v. Citigroup Global Markets, Inc., et al.*, No. 22-1718 (2d Cir.) filed by the undersigned Affiant or Defendants in the UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT (the "Second Circuit").

Exhibit	D.I.	Documents Description
1.	35-1	Letter from P. Toren to C. Moore dated 2022-9-6
2.	41-2	Letter from J. Park to P. Toren dated 2022-9-20
3.	53-1	Letter from P. Toren to J. Park dated 2023-1-12
4.	53-2, 53-3	The Eighth Declaration of Xiaolu Wang dated 2023-1-12 [D.I. 53-3], in support of Proposed Statement of the Evidence Under Rule 10(c) of the Federal Rules of Appellate Procedure, at Defendants requests. [D.I. 53-2]
5.	57-2	Letter from T. Kessler to P. Toren dated 2023-1-26
6.	59-2	Letter from J. Park to P. Toren dated 2023-2-10
7.	82, Ex. A	Plaintiff's Opposition of 2023-4-24 to Defendants Motions Seeking for Schedule and For Leave-for-file Sanction of April 4, 2023. Letter from P. Toren to J. Park dated 2023-4-24, D.I. 82, pp28-41, Ex. A
8	N/A	Letter from J. Park to P. Toren dated 2023-5-8
9.	N/A	Email chain between P. Toren and T. Kessler after September 27, 2023, until today October 14, 2023.
10	D.I.	Defendants' opposition to Plaintiff's Motion for Extension of Time to File Brief and Appendix Pursuant to Federal Rules of Appellate Procedure 26(b) and Local Rule 27.1(f), 31.2(D), dated October 11, 2023

11	N/A	Statement of the Evidence Under Rule 10(c) of the Federal Rules of Appellate Procedure
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I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 15, 2023

/s/ Peter J. Toren

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